

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
M2Z Networks Inc.	)	WT Docket No. 07-16
Application for License and Authority to Provide	)	
A National Broadband Radio Service in the	)	
2155-2175 MHz Band	)	

To:   The Commission  
      Chief, Wireless Telecommunications Bureau  
      Office of the Managing Director

**FREEDOM OF INFORMATION ACT REQUEST**

NetfreeUS, LLC (“NetfreeUS”), by counsel, hereby files this Freedom of Information Act Request in response to the Request for Confidential Treatment of M2Z Networks, Inc. (“Confidentiality Request”) that M2Z Networks, Inc. (“M2Z”) apparently filed with the Commission on March 26, 2007 in connection with M2Z’s above-referenced application for a nationwide authorization to provide wireless broadband service.<sup>1</sup> Buried in footnotes in voluminous pleadings M2Z filed on March 26, 2007<sup>2</sup> are representations that M2Z filed the Confidentiality Request regarding its “reasonable assurances” that it will have the financial ability to “help construct and operate its network.”<sup>3</sup> However, a copy of the Confidentiality Request was not served on NetfreeUS and it has not been posted on the Commission’s Electronic

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<sup>1</sup> See M2Z Networks, Inc. Application for License and Authority to Provide National Broadband Radio Service in the 2155-2175 MHz Band (amended Sept. 1, 2006) (the “M2Z Application”). See also *Public Notice*, “Wireless Telecommunications Bureau Announces that M2Z Networks, Inc.’s Application for Licensee and Authority to Provide a National Broadband Radio Service in the 2155-2175 MHz Band is Accepted for Filing,” DA 07-492 (rel. Jan. 31, 2007).

<sup>2</sup> See Consolidated Motion of M2Z Networks, Inc. to Dismiss Alternative Proposals, WT Docket Nos. 07-16 & 07-30 (filed Mar. 26, 2007) (“Consolidated Motion”), at 45, n. 177; Consolidated Opposition of M2Z Networks, Inc. to Petitions to Deny, WT Docket Nos. 07-16 & 07-30 (filed Mar. 26, 2007), at 113, n.365.

<sup>3</sup> Consolidated Motion at 45.

Comment Filing System, depriving NetfreeUS and the public with an opportunity to determine whether the financial information is entitled to confidentiality under Commission standards.

The Commission will benefit substantially by enabling NetfreeUS and other parties in this proceeding to review and comment upon the information submitted in the Confidentiality Request. Moreover, fundamental fairness requires that NetfreeUS and other interested parties be afforded the opportunity to review and comment on the “reasonable assurances” that M2Z purports to offer in support of its request for a nationwide license to provide broadband service.<sup>4</sup> Seeking confidentiality to hide its financial information raises a number of questions. First, given M2Z’s apparent need to submit the information in the first place, M2Z may not have appropriately demonstrated its ability to fund construction and operation in its application. Second, the Confidentiality Request was not filed as an amendment to the M2Z Application, but rather appears in some sort of separate filing that M2Z wants to shield from public disclosure. Third, M2Z should not be allowed to criticize other competing applicants’ financial showings’ where, as here, it refuses to make public its own financial information and wants only the Commission to know where it is getting its money, how much money is committed and whether such funding is sufficient for the nationwide operations it has proposed.

For these reasons, NetfreeUS respectfully requests the opportunity to review and comment on the Confidentiality Request pursuant to Section 0.461 of the Commission’s Rules. The search costs associated with this request should be minimal, but to the extent that they exist, NetfreeUS states that it is willing and able to pay reasonable fees to cover those costs.

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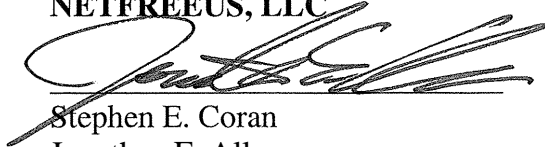
<sup>4</sup> Section 0.459 sets a high hurdle for parties requesting confidential treatment by requiring requesting parties to articulate sufficient facts and reasons to justify withholding Submitted materials from public disclosure and the requester has the burden to present by a preponderance of the evidence a case for non-disclosure consistent with the provisions of the Freedom of Information Act. *See* 47 C.F.R. §§0.459(b), (d)(2).

<sup>5</sup> *See* Consolidated Motion at 45-48.

Respectfully submitted,

**NETFREEUS, LLC**

By:

A handwritten signature in black ink, appearing to read "Stephen E. Coran", written over a horizontal line.

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April 10, 2007

## Certificate of Service

I, Kenneth B. Wolin, a legal assistant with the law office of Rini Coran, PC, hereby certify that on this 10th day of April, 2007, I caused a copy of the foregoing Freedom of Information Act Request to be delivered by First-class United States mail to the following, unless otherwise noted:

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